

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE PRIORITY

C O N F I D E N T I A L STATE 187078

E.O. 11652: GDS

TAGS: PFOR, PGOV, CS

SUBJECT: VESCO CASE: LEGAL CONSULTANT CASTILLO

REF: SAN JOSE 3226

1. JUSTICE DEPT AGREES WITH EMBASSY THAT FEE IS SOMEWHAT HIGH, ALTHOUGH THEY HAVE TAKEN IT UNDER ADVISEMENT. IN MEANTIME, DEPT HAS RECEIVED LETTER FROM ASSISTANT U.S. ATTORNEY JIM RAYHILL IN NEW YORK WHICH SETS OUT LEGAL QUESTIONS HE INTENDS TO DISCUSS WITH CASTILLO. SINCE QUESTIONS DO NOT SEEM TO REQUIRE A WRITTEN BRIEF IN REPLY, EMBASSY MIGHT SHOW QUESTIONS TO CASTILLO TO SEE IF THEY WOULD INDUCE FLEXIBILITY IN HIS FEE.

2. QUESTIONS ARE:

(A) DOES THE SO-CALLED VESCO LAW, LAW NO. 5497, MARCH 22, 1974, AMENDING LAW NO. 4795 ON EXTRADITION OF JULY 16, 1971, TAKE PRECEDENCE OVER OUR 1922 EXTRADITION TREATY WITH COSTA RICA.

(B) IF THE "VESCO LAW" IS NEITHER REPEALED NOR MODIFIED, WHAT ARE OUR CHANCES OF SUCCESSFULLY ATTACKING THE CONSTITUTIONALITY OF THAT LAW.

(C) IS THERE ANY CHANCE OF OBTAINING PROVISIONAL ARREST

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AND SUBSEQUENT EXTRADITION ON A CHARGE OF (A) STOCK FRAUD

AND (B) PERJURY BEFORE AN ADMINISTRATIVE AGENCY.

(D) WOULD A STATE INDICTMENT CHARGING VESCO WITH LARCENY BY TRICK OR DECEIT BE EXTRADITABLE UNDER THE EXTRADITION TREATY.

3. RAYHILL INFORMS DEPT HE CAN PROVIDE INTERPRETER FROM HIS OFFICE OR COURT SYSTEM FOR MEETING, AND THAT DATES OF SEPT 3, 4, OR 5 ARE ACCEPTABLE. SINCE SEPT 2 IS HOLIDAY, BEST DAYS WOULD PROBABLY BE SEPT 4 AND 5. IT DOES NOT APPEAR QUESTIONS WOULD TAKE MORE THAN 2 DAYS TO COVER, IF THAT LONG.

4. TO CLEAR UP ONE OTHER POINT, DEPT CONTEMPLATED CASTILLO WOULD VISIT NEW YORK ON WAY TO EUROPE AND THAT JUSTICE WOULD BE PAYING ONE WAY AIR FARE TO NEW YORK. SINCE REFTTEL REPORTS HE IS LEAVING FOR EUROPE SEPT 12 THIS SOUNDS LIKE TRIP TO NEW YORK WOULD BE ROUND-TRIP VISIT PRIOR TO HIS DEPARTURE FROM COSTA RICA. EMBASSY IS REQUESTED TO CLARIFY THIS POINT. IF HIS CIRCUMSTANCES PERMIT STOP ON WAY TO EUROPE, MEETING COULD PERHAPS BE PUT OVER UNTIL WEEK OF SEPT 9. KISSINGER

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